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California Regional Water Quality Control Board

Los Angeles Region

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Mr. Anthony Matthes
Mattsons Homes
23822 W. Valencia Blvd., Suite 205
Santa Clarita, CA 91355

WATER QUALITY CERTIFICATION FOR PROPOSED PM 26684 TUTOR TIME PROJECT (Corps' Project No. 2004-01201-AOA), UNNAMED TRIBUTARY TO SANTA CLARA RIVER, CITY OF SANTA CLARITA, LOS ANGELES COUNTY (File No. 04-090)

Dear Mr. Matthes:

Regional Board staff has reviewed your request on behalf of Mattsons Homes (Applicant) for a Clean Water Act Section 401 Water Quality Certification for the above-referenced project. Your application was deemed complete on June 18, 2004.

I hereby issue an order certifying that any discharge from the referenced project will comply with the applicable provisions of sections 301 (Effluent Limitations), 302 (Water Quality Related Effluent Limitations), 303 (Water Quality Standards and Implementation Plans), 306 (National Standards of Performance), and 307 (Toxic and Pretreatment Effluent Standards) of the Clean Water Act, and with other applicable requirements of State law. This discharge is also regulated under State Water Resources Control Board Order No. 2003 - 0017 - DWQ, "General Waste Discharge Requirements for Dredge and Fill Discharges that have received State Water Quality Certification" which requires compliance with all conditions of this Water Quality Certification.

The Applicant shall be liable civilly for any violations of this Certification in accordance with the California Water Code. This Certification does not eliminate the Applicant's responsibility to comply with any other applicable laws, requirements and/or permits.

Should you have questions concerning this Certification action, please contact Ms. Parvaneh Khayat, Section 401 Program, at (213) 576-5733.

[ORIGINAL SIGNED BY]

JULY 22, 2004

Jonathan Bishop
Interim Executive Officer

Date

California Environmental Protection Agency



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Our mission is to preserve and enhance the quality of California's water resources for the benefit of present and future generations.

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ATTACHMENT A

Project Information File No. 04-090

1. Applicant: Anthony Matthes
Mattsons Homes
23822 W. Valencia Blvd., Suite 205
Santa Clarita, CA 91355

Phone: (661) 255-0934 Fax: (661) 254-8080
2. Applicant's Agent: Christine Cuba
Land Design Consultants, Inc
225 South Lake Ave., Suite 600
Pasadena, CA 91101

Phone: (626) 578-7000 Fax: (626) 578-7373
3. Project Name: PM 26684 - "Tutor Time" Project
4. Project Location: Santa Clarita area, Los Angeles County
Vesting Tentative Parcel Map No. 26684

Longitude: 34°25'25"; Latitude: 118°25'56"
Longitude: 34°25'20"; Latitude: 118°25'56"
Longitude: 34°25'17"; Latitude: 118°25'56"
Longitude: 34°25'16"; Latitude: 118°25'59"
Longitude: 34°25'13"; Latitude: 118°26'06"
Longitude: 34°25'16"; Latitude: 118°25'01"
Longitude: 34°25'19"; Latitude: 118°25'59"
Longitude: 34°25'23"; Latitude: 118°25'57"

Township 4N Range 15W Section 22 USGS
Mint Canyon Quadrangle
5. Type of Project: Construction of Commercial Building
6. Project Description: *Purpose:*
To construct a child care/learning facility and a future church on the 4.53 acres site; 2.19 ± acres will be dedicated to open space.

Description:
The proposed project shall subdivide and develop the site into four (4) parcels; a child daycare center, a church and two (2) open space lots on approximately 4.54 gross acres, of which 2.19 acres will be dedicated to open space. Development of the project will require

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balanced cut and fill grading in the amount of 10,800 cubic yards of cut and 7,000 (cy) of fill.

Overall, grading and infrastructure activities are expected to take approximately 90 days to complete. Grading and construction of the 2:1 fill slope with keyway and slope protection is anticipated to take two-three weeks. Grading activities are anticipated to occur during the period of July – September with building construction occurring after that.

The existing drainage is the result of urban runoff discharged onsite from the residential development located northerly of the site. Approximately 0.14 acres of ACOE jurisdictional waters and wetlands occur on-site. Approximately 0.64 acres of CDFG jurisdictional streambed and associated riparian habitat exist on-site.

Earth-moving and construction equipment shall be confined to those areas of the site within the limits identified for development (i.e daylight grading line) and the 10' area identified for temporary impact during construction. Construction of the project will involve both temporary and permanent disturbance to areas with a designed bed and bank which may fall within the jurisdiction of the California Department of Fish and Game (CDFG) under Code Section 1600.

The proposed work within Federal “waters” includes temporary construction activities associated with the grading that will take place along the drainage to accommodate the development on two (2) of the parcels for commercial uses (child care center and church). Including:

1. A 2:1 fill slope with a 6', partially buried, reinforced concrete wall will encroach into CDFG jurisdictional streambed and/or habitat. Fill material for the manufactured slope will consist of suitable soils generated onsite. Small construction equipment (i.e. dozers, etc) will be used for construction of the slope and keyway in the CDFG jurisdictional area. **No permanent impacts will occur in Federal “waters”.**
2. Additional slope protection in the form of gunnite will be placed on the manufactured slope to various heights dependent on the

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calculated storm water surface elevation.

3. A two-three foot deep key will be excavated and recompactd below the toe of the fill slope.
4. Two storm drain outlet structures with riprap pads of approximately 7' x 10' will be constructed in CDFG jurisdictional streambed. **No permanent impacts will occur in Federal "waters".**
5. Approximately 0.02 acres of ACOE wetland/waters will be temporarily impacted by the work indicted in #1-4 above.
6. The two stormdrain outlets will require long-term maintenance in areas of CDFG jurisdiction. However, their construction will not temporarily or permanently impact waters of the U.S.

- | | |
|--|--|
| 7. Federal Agency/Permit: | U.S. Army Corps of Engineers
NWP No. 33 (Permit No. 2004-01201-AOA) |
| 8. Other Required Regulatory Approvals: | California Department of Fish and Game
Streambed Alteration Agreement |
| 9. California Environmental Quality Act (CEQA) Compliance: | The Planning Commission of the City of Santa Clarita approved the project's Negative Declaration on October 8, 2003. |
| 10. Receiving Water: | Unnamed tributary to the Santa Clara River (Hydrologic Unit No. 403.51) |
| 11. Designated Beneficial Uses: | MUN*, IND, PROC, AGR, GWR, FRSH, REC-1, REC-2, WARM, WILD

* Conditional Beneficial Use |
| 12. Impacted Waters of the United States: | Federal jurisdictional wetlands: 0.02 temporary acres [180 linear feet]

CDFG jurisdictional riparian habitat: 0.137 permanent acres [300 linear feet] |

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13. Dredge Volume: None
14. Related Projects Implemented/to be Implemented by the Applicant:
- The project and property owner have changed since the 1997 approvals for the proposed project location. The previous project was a residential condominium project that proposed to completely fill approximately ½ of the streambed on-site. The attached copies of previous permits are for your background information only.
- The current project, proposed by new owner Mattsons Homes, involves the construction of a Tutor Time child care center and a pad for a future church. The current project avoids permanent filling of jurisdictional waters. Temporary impacts to 0.02 acres of jurisdictional wetland are anticipated during construction of the base of a fill slope that requires a stabilization key and a partially buried slope protection “wall”. More detail regarding project impact and mitigation is given in the application.
15. Avoidance/Minimization Activities:
- The Applicant has proposed to implement several Best Management Practices, including, but not limited to, the following:
- Measures will be taken to eliminate any entry of sediment resulting from construction into drainage courses. Available measures include introduction of rapid-developing, soil-anchoring ground cover, preferably of native plant species, and strategic placement of runoff-retaining structures. These runoff-retaining structures and all remaining construction sediment and debris will be removed at the time of project completion;
 - The project applicant will comply with all National Pollution Discharge Elimination System and Storm Water Pollution Plan requirements for this project;
 - Earth-moving and construction equipment shall be confined to those areas of the site within the limits identified for development, i.e., daylight grading line and the areas identified herein for temporary construction impact. No waste dirt, concrete, rubble, or other construction material shall be deposited in the drainage channels or on the ravine banks;
 - The limits of the approved daylight and temporary impact areas will be fenced with orange construction fencing to keep equipment operators from accidentally maneuvering in areas

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outside the immediate project areas. In areas immediately adjacent to the streambed, silt fencing shall be implemented along with the orange fencing to prevent incidental sediments from entering the drainage;

- In areas of saturated soil where temporary impacts for construction equipment access are required, high-strength geotextile mats with clean rock or gravel overlay or similar soil protection shall be used during construction to minimize ripping the soil. When used, the soil protection device (s) shall be placed inside the barrier fencing described in #13;
- A qualified biological monitor will be on-site during the construction of the fill slope in CDFG & Corps jurisdictional areas to insure compliance with the mitigation measures recommended herein; and
- Non-native trees (palms, peppers, pines, etc.) shall be removed utilizing hand tools (including chain saws) in the CDFG jurisdictional area. Native trees shall be planted in their place.

16. Proposed Compensatory Mitigation:

The Applicant has proposed to create 0.18 acres of new strictly riparian habitat, which will be added to the 0.50 acres of non-impacted CDFG area onsite.

The 0.02 acre area of temporary impact to Federal waters shall be revegetated at a 1:1 ratio with willow and mulefat cuttings taken from on-site.

An additional 0.35 acres of mitigation is proposed through the revegetation of the entire fill slope with locally native, tree, shrub, and wildflower species for the loss of a portion of the onsite riparian community. A minimum of eight (8) coast live oak trees will be included on this slope. When added to the enhanced riparian mitigation area (0.50 acres + 0.18 acres), the total mitigation area equals 1.03 acres.

17. Required Compensatory Mitigation:

See Attachment B Conditions of Certifications, Additional Conditions for modifications and additions to the above proposed compensatory mitigation.

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Conditions of Certification File No. 04-090

STANDARD CONDITIONS

Pursuant to §3860 of Title 23 of the California Code of Regulations (23 CCR), the following three standard conditions shall apply to this project:

1. This Certification action is subject to modification or revocation upon administrative or judicial review, including review and amendment pursuant to §13330 of the California Water Code and Article 6 (commencing with 23 CCR §3867).
2. This Certification action is not intended and shall not be construed to apply to any activity involving a hydroelectric facility and requiring a Federal Energy Regulatory Commission (FERC) license or an amendment to a FERC license unless the pertinent Certification application was filed pursuant to 23 CCR Subsection 3855(b) and the application specifically identified that a FERC license or amendment to a FERC license for a hydroelectric facility was being sought.
3. Certification is conditioned upon total payment of any fee required pursuant to 23 CCR Chapter 28 and owed by the Applicant.

ADDITIONAL CONDITIONS

Pursuant to 23 CCR §3859(a), the Applicant shall comply with the following additional conditions:

1. The Applicant shall submit to this Regional Board copies of any other final permits and agreements required for this project, including, but not limited to, the U.S. Army Corps of Engineers' Section 404 Permit and the California Department of Fish and Game's Streambed Alteration Agreement. **These documents shall be submitted prior to any discharge to waters of the State.**
2. The Applicant and all contractors employed by the Applicant shall have copies of this Certification, the approved maintenance plan, and all other regulatory approvals for this project on site at all times so they are familiar with all conditions set forth.
3. Fueling, lubrication, maintenance, operation, and storage of vehicles and equipment shall not result in a discharge or a threatened discharge to waters of the state. At no time shall the Applicant use any vehicle or equipment which leaks any substance that may impact water quality. Staging and storage areas for vehicles and equipment shall be located outside of waters of the state.

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4. No construction material, spoils, debris, or any other substances associated with this project that may adversely impact water quality standards, shall be located in a manner which may result in a discharge or a threatened discharge to waters of the state.
5. The Applicant shall implement all necessary control measures to prevent the degradation of water quality from the proposed project in order to maintain compliance with the Basin Plan. The discharge shall meet all effluent limitations and toxic and effluent standards established to comply with the applicable water quality standards and other appropriate requirements, including the provisions of Sections 301, 302, 303, 306, and 307 of the Clean Water Act. This Certification does not authorize the discharge by the applicant for any other activity than specifically described in the 404 Permit.
6. The discharge shall not: a) degrade surface water communities and populations including vertebrate, invertebrate, and plant species; b) promote the breeding of mosquitoes, gnats, black flies, midges, or other pests; c) alter the color, create visual contrast with the natural appearance, nor cause aesthetically undesirable discoloration of the receiving waters; d) cause formation of sludge deposits; or e) adversely affect any designated beneficial uses.
7. The Applicant shall allow the Regional Board and its authorized representative entry to the premises, including all mitigation sites, to inspect and undertake any activity to determine compliance with this Certification, or as otherwise authorized by the California Water Code.
8. The Applicant shall not conduct any construction activities within waters of the state during a rainfall event. The Applicant shall maintain **a five-day (5-day) clear weather forecast** before conducting any operations within waters of the state.
9. The Applicant shall utilize the services of a qualified biologist with expertise in riparian assessments during all construction activities where clearing involves areas to be partially cleared (i.e. some vegetation is to remain in the same reach or in an adjacent reach). The biologist shall be available on site during construction activities to ensure that all protected areas are marked properly and ensure that no vegetation outside the specified areas is removed. The biologist shall have the authority to stop the work, as necessary, if instructions are not followed. The biologist shall be available upon request from this Regional Board for consultation within 24 hours of request of consultation.
10. No activities shall involve wet excavations (i.e., no excavations shall occur below the seasonal high water table). A minimum **5-foot** buffer zone shall be maintained above the existing groundwater level. If construction or groundwater dewatering is proposed or anticipated, the Applicant shall file a **Report of Waste Discharge** to this Regional Board and obtain any necessary NPDES permits/Waste Discharge Requirements prior to discharging waste. Sufficient time should be allowed to obtain any such permits (generally 180 days). If groundwater is encountered without the benefit of appropriate permits, the

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Applicant shall cease all activities in the areas where groundwater is present, file a Report of Waste Discharge to this Regional Board, and obtain any necessary permits prior to discharging waste.

11. All construction activities not included in this Certification, and which may require a permit, must be reported to the Regional Board for appropriate permitting. Bank stabilization and grading, as well as any other ground disturbances, are subject to restoration and revegetation requirements, and may require additional Certification action.
12. All surface waters, including ponded waters, shall be diverted away from areas undergoing grading, construction, excavation, vegetation removal, and/or any other activity which may result in a discharge to the receiving water. If surface water diversions are anticipated, the Applicant shall develop and submit a **Surface Water Diversion Plan** to this Regional Board. The plan shall include the proposed method and duration of diversion activities, erosion and sediment controls, and a map or drawing indicating the locations of diversion and discharge points. The plan shall be submitted prior to any surface water diversions. If surface flows are present, then upstream and downstream monitoring for pH, temperature, dissolved oxygen, turbidity, and total suspended solids shall be implemented. These constituents shall be monitored on a **daily** basis during the first week of diversion activities, and then on a **weekly** basis, thereafter, until the in-stream work is complete. Results of the analyses shall be submitted to this Regional Board by the **15th** day of each subsequent sampling month. A map or drawing indicating the locations of sampling points shall be included with each submittal. Diversion activities shall not result in the degradation of beneficial uses or exceedance of water quality objectives of the receiving waters. Any such violations may result in corrective and/or enforcement actions, including increased monitoring and sample collection.
13. The Applicant shall restore the proposed **0.02 acres** of TEMPORARY IMPACTS to waters of the United States and all other areas of temporary disturbance which could result in a discharge or a threatened discharge to waters of the state. Restoration shall include grading of disturbed areas to pre-project contours and revegetation with native species to the extent feasible. The Applicant shall implement all necessary Best Management Practices to control erosion and runoff from areas associated with this project.
14. The Applicant shall provide COMPENSATORY MITIGATION to offset the proposed temporary loss of **0.02 acres** waters of the United States by creating or restoring riparian habitat at a minimum 1:1 area replacement ratio (0.02 acres). The Applicant has proposed to revegetated the 0.02 acres of temporary impact area through revegetation with willow and mulefat cuttings. The Applicant has proposed to provide compensatory mitigation for the proposed permanent impacts to **0.137 acres** of vegetation within CDFG jurisdictional riparian habitat in the stream course by creating or restoring riparian habitat/Federal jurisdictional wetland habitat at a minimum 3:1 area replacement ratio (0.411 acres) by

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adding approximately 0.18 acres of new strictly riparian habitat to the 0.50 acres of non-impacted CDFG area onsite. Additional mitigation for the loss of a portion of the onsite riparian community is offered through the revegetation of the entire fill slope (0.35 acres) with locally native tree, shrub, and wildflower species. A minimum of eight (8) live oak trees will be included on this slope. When added to the enhanced riparian mitigation area, the total mitigation area equals **1.03 acres**.

15. All open space and mitigation areas shall be placed within a conservation easement to ensure preservation in perpetuity. Documentation of proper easement placement shall be submitted to the Regional Board within one year.
16. The Applicant shall submit to this Regional Board **Annual Mitigation Monitoring Reports** by **May 1st** of each year for a minimum period of **five (5) years** after planting or until mitigation success has been achieved. The report shall describe in detail all of the construction activities performed during the previous year and all restoration and mitigation efforts; including percent survival by plant species and percent cover. This report shall include as a minimum, the following documentation:
 - (a) Color photo documentation of the pre- and post-project and mitigation site conditions;
 - (b) Geographical Positioning System (GPS) coordinates in decimal-degrees format outlining the boundary of the project and mitigation areas;
 - (c) The overall status of project including a detailed schedule of work;
 - (d) Copies of all permits revised as required in Additional Condition 1;
 - (e) A certified statement of “no net loss” of wetlands associated with this project;
 - (f) Discussion of any monitoring activities and exotic plant control efforts; and
 - (g) A certified statement from the permittee or his/her representative that all conditions of this Certification have been met.
17. All applications, reports, or information submitted to the Regional Board shall be signed:
 - (a) For corporations, by a principal executive officer at least of the level of vice president or his duly authorized representative, if such representative is responsible for the overall operation of the facility from which discharge originates;
 - (b) For a partnership, by a general partner;

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- (c) For a sole proprietorship, by the proprietor;
 - (d) For a municipal, state, or other public facility, by either a principal executive officer, ranking elected official, or other duly authorized employee; and
 - (e) A certified statement from the permittee or his/her representative that all conditions of this Certification have been met shall be submitted once their project has been completed.
18. Each and any report submitted in accordance with this Certification shall contain the following completed declaration:
- “I declare under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who managed the system or those directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.
- Executed on the _____ day of _____ at _____.
- _____ (Signature)
_____ (Title)”
19. All communications regarding this project and submitted to this Regional Board shall identify the Project File Number **04-090**. Submittals shall be sent to the attention of the Nonpoint Source Unit.
20. Any modifications of the proposed project may require submittal of a new Clean Water Act Section 401 Water Quality Certification application and appropriate filing fee.
21. The project shall comply with the local regulations associated with the Regional Board’s **Municipal Stormwater Permit** issued to Los Angeles County and co-permittees under NPDES No. CAS004001 and Waste Discharge Requirements Order No. 01-182. This includes the Standard Urban Storm Water Mitigation Plan (SUSMP) and all related implementing local ordinances and regulations for the control of stormwater pollution from new development and redevelopment. The project shall also comply with all requirements of the National Pollutant Discharge Elimination System (NPDES) **General Permit** for Storm Water Discharges Associated with Construction Activity, Order No. 99-08-DWQ. All stormwater treatment systems shall be located outside of any water of the State and shall not be used as a wetland or riparian mitigation credit.

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22. The Applicant or their agents shall report any noncompliance. Any such information shall be provided verbally to the Executive Officer within 24 hours from the time the Applicant becomes aware of the circumstances. A written submission shall also be provided within five days of the time the Applicant becomes aware of the circumstances. The written submission shall contain a description of the noncompliance and its cause; the period of noncompliance, including exact dates and times, and if the noncompliance has not been corrected; the anticipated time it is expected to continue and steps taken or planned to reduce, eliminate and prevent recurrence of the noncompliance. The Executive Officer, or an authorized representative, may waive the written report on a case-by-case basis if the oral report has been received within 24 hours.
23. *Enforcement:*
- (a) In the event of any violation or threatened violation of the conditions of this Certification, the violation or threatened violation shall be subject to any remedies, penalties, process or sanctions as provided for under state law. For purposes of section 401(d) of the Clean Water Act, the applicability of any state law authorizing remedies, penalties, process or sanctions for the violation or threatened violation constitutes a limitation necessary to assure compliance with the water quality standards and other pertinent requirements incorporated into this Certification.
 - (b) In response to a suspected violation of any condition of this Certification, the State Water Resources Control Board (SWRCB) or Regional Water Quality Control Board (RWQCB) may require the holder of any permit or license subject to this Certification to furnish, under penalty of perjury, any technical or monitoring reports the SWRCB deems appropriate, provided that the burden, including costs, of the reports shall be a reasonable relationship to the need for the reports and the benefits to be obtained from the reports.
 - (c) In response to any violation of the conditions of this Certification, the SWRCB or RWQCB may add to or modify the conditions of this Certification as appropriate to ensure compliance.
24. This Certification shall expire **five (5) years** from date of this Certification. The Applicant shall submit a complete application prior to termination of this Certification if renewal is requested.